



On appeal, the appointing authority argues that Mesa and Martinez should not be separated from full-time permanent classified positions and be placed provisionally pending open-competitive examination (PAOC) in part-time positions as Traffic Signal Technician 1. It argues that it will have to compensate them to work as Traffic Signal Technicians 1 regardless of whether there is sufficient work to occupy them part time at 16 hours per week each. It indicates that the City has three employees tasked with responsibilities of fixing or trouble-shooting traffic signal issues who work on a regular schedule as assigned when issues occur. If a traffic signal issue arises, then one or more of the Electricians are redirected to the signal issues to try and resolve the problem, after which, the Electrician returns to another task. It is noted that Mesa and Martinez are the only Electricians for the City. Also, the City does not employ other Traffic Signal Technicians 1, and the appointing authority did not identify the titles of the employees tasked with responsibilities of fixing or trouble-shooting traffic signal issues.

The appointing authority argues that it would have to have a layoff to reduce Mesa's and Martinez' full-time hours as Electricians, Mesa and Martinez will have to compete in an open-competitive examination situation for their part-time positions, and it needs to negotiate wages with the Union through the collective bargaining agreement for part-time Electricians.

## CONCLUSION

*N.J.A.C.* 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

*N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

The definition section of the job specification for Electrician states:

Under direction, does varied types of work involved in the installation, inspection, repair, servicing, and maintenance of electrical equipment, appliances, machinery, and circuits; does related work as required.

The definition section of the job specification for Traffic Signal Technician 1 states:

Under direction, performs the work involved in the wiring, assembling installing, repairing, and maintaining traffic signal systems, and or

takes the lead over traffic signal repairmen; does related work as required.

The definition section of the job specification for Signal Systems Technician 1 states:

A position in this job category typically installs, tests, trouble-shoots and repairs traffic signal equipment or systems and fire traffic signal systems, fire alarm systems, traffic counters and wiring systems; and operates cherry picker, ladder, platform, or boom trucks.

First, in making classification determinations, emphasis is placed on the definition section of the job specification to distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan.

As noted above Electrician is in a different occupational group than Traffic Signal Technician 1. The use of occupational group categorizations, as recognized by the United States Department of Labor, was determined to be a reasonable and objective method for identification of job similarities as required by *N.J.A.C.* 4A:8-2.1 title rights criteria and the same criteria are uniformly applied to all titles in the State Classification Plan. Agency Services uses the Dictionary of Occupational Titles as a starting point for the development of 39 broad occupational groupings to enable the appropriate categorization of State job titles, which were customized to account for the uniqueness of occupations in the Civil Service. Additionally, job specifications were used for the basis for the categorization into occupational groups. The Electrician belongs in Occupational Group 8 (Structural Work Occupations) and in Family 80 (Occupations in Skilled Trades), with the sub-category 803 (Electricians). Structural Work Occupations are concerned with fabricating, correcting, installing, paving, painting, and repairing structures and structural parts. The Traffic Signal Technician 1 belongs in Occupational Group 7 (Benchwork Occupations) and in Family 72 (Occupations in Repair of Electrical Equipment), with the sub-category 721 (Repair of Communications Equipment). Occupations in this family are concerned with assembling, fabricating, or repairing equipment, components, and parts for equipment to transmit, control, or convert electrical power; signaling and detection equipment; radio and television equipment; and communications equipment. Thus, these titles have dissimilar duties and responsibilities. An Electrician in Occupational Group 8 would be involved in installing new electrical systems as well as repairing them.

In the instant matter, at the outset, it is noted that Martinez copied 22 examples of work from the job specification of the desired title, Traffic Signal Technician 1, instead of using his own words. Mesa listed ten duties in his own words. At some point, Mesa and Martinez both indicated that they worked 90% of the time on traffic signal-related duties, and 10% of the time on building-related electrical issues. There were no written supervisory or management comments on either PCQ. Their supervisor indicated a concern that these are the only two Electricians for the City, which would be harmed if Mesa and Martinez received the Traffic Signal Technician 1 title and then refused to work on building-related electrical issues. For both, Agency Services found that the primary responsibilities of the positions included: locating electrical problems with traffic signals; operating a boom truck, crane, and platform truck; operating volt and ohm meters; installing overhead or underground wiring; diagnosing and making electrical repairs in City-owned buildings (55-60% of the time); and replacing bulbs and receptacles.

Also, it appears that Mesa indicated in the telephone audit that he performed traffic signal-related duties 75% of the time. The supervisor and management indicated that Mesa did not indicate on his PCQ electrical duties performed in community buildings, the fire houses, parks, and city buildings, which he performs 35 to 40% of the time. Management indicated that the duties were split 50/50 between traffic signal and building electrical duties, including installing sound systems, blow dryers, and audio and visual wiring. Martinez indicated in the telephone audit that for about 10% of the time, he does building-related electrical work, such as diagnose electrical problems or fix lighting or receptacle issues. Otherwise, he fixes traffic signals. His supervisor indicates that he works on traffic signals 40 to 45% of the time, and the rest is other electrical work. Thus, there is a discrepancy in the amount of time reported by Mesa and Martinez, and supervision and management, regarding the amount of time spent repairing traffic signals.

Both Electrician and Traffic Signal Technician 1 are in class code 12, and as such, from a classification standpoint, one is not higher or greater than another. Additionally, Traffic Signal Technician 1 is a lead worker title, and neither Mesa nor Martinez indicated lead worker duties. They also did not indicate significant duties related to installation of electrical systems. Rather, the focus of the positions was related to locating and diagnosing electrical problems and making repairs. As such, Occupational Group 7 (Benchwork Occupations) is more applicable than Occupational Group 8 (Structural Work Occupations). There is another title in class code 12, Signal Systems Technician which also is in Occupational Group 7 (Benchwork Occupations) and in Family 72 (Occupations in Repair of Electrical Equipment). Incumbents in this title install and repair traffic signals and wiring systems, electrical motors, electrical components, conduit systems, and underground and overhead cables. They test and troubleshoot problems with wiring systems, and repair audiovisual equipment. In sum, this title can be used for positions that repair electrical issues in traffic signals and wherever wiring

systems are used, which includes parks and buildings. It is noted that job specifications are not written to describe each and every duty assigned to a particular position. If there comes a time when Mesa or Martinez are required to install an electrical system, this would not be an unreasonable request. As long as the majority of duties, or primary focus, assigned to a position matches the job specification of the title assigned to the position, it is acceptable to have the incumbent occasionally perform duties which do not precisely mirror those in the job specification. While there is a discrepancy as to the percentage of time spent on electrical duties on traffic signals and those for buildings, the current classification is untenable, as it requires the creation of two part-time Traffic Signal Technician 1 positions. Nevertheless, as a Signal Systems Technician 1 works both on traffic signals and wherever wiring systems are used, it is the closest fit for the classification of these positions, and would not require the City to create additional part-time positions when the duties of the position can be sufficiently classified by one title.

On a final note, there are three appointment types that can be assigned for lateral movements. A provisional appointment pending qualifying examination (PAQ) is assigned when the new title is unrelated to the prior title, a regular appointment (title change) (RAT) is assigned when the new title is related to the prior title, and a regular appointment (non-competitive or labor) (RAN) is assigned if the new title is in the non-competitive division. As noted above, Electrician and Signal Systems Technician 1 are in different occupational groups, *i.e.*, are unrelated, while Traffic Signal Technician 1 and Signal Systems Technician 1 are in the same occupational group, *i.e.*, related. In this case, the part-time Traffic Signal Technician 1 positions should be eliminated. Therefore, the positions of Mesa and Martinez should be considered to be a lateral movement from Electrician to Signal Systems Technician 1, and the positions be designated (PAQ).

Accordingly, since the preponderance of the appellants' duties fall under the definition of Signal Systems Technician, they are properly classified in that title. Therefore, a thorough review of the entire record fails to establish that the appointing authority has presented a sufficient basis to warrant an Electrician classification of the positions of Julian Mesa and Josue Martinez.

### **ORDER**

Therefore, it is ordered that this appeal be denied. It is further ordered that the positions of Julian Mesa and Josue Martinez be classified as a Signal Systems Technician 1, and they receive provisional appointments (qualifying examination), effective June 8, 2017.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>st</sup> DAY OF AUGUST, 2018



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